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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,689	07/28/2004	Joel Fried	236105102004	4688
26496 7590 02/25/2008 GREENBERG & LIEBERMAN, LLC 2141 WISCONSIN AVE, N.W. SUITE C-2 WASHINGTON, DC 20007				
EXAMINER SILBERMANN, JOANNE				
ART UNIT 3611		PAPER NUMBER		
MAIL DATE 02/25/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/710,689

**Applicant(s)**

FRIED ET AL.

**Examiner**

Joanne Silbermann

**Art Unit**

3611

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 32-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 32-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the mounting means having both a groove and a height control mechanism, and electrical cord extending from the sign to the vehicle, An electrical circuit means for the control unit, a light source (claim 32 line 22), four way hazard lights on the vehicle, and a series of light emitting diodes (claim 36) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 32-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 32, the various light sources are not clearly identified. Applicant claims a neon light, illuminated left and right arrow displays, a light source, and predetermined areas, all of which seem to be on a single display. Additionally, claim 36 adds light emitting diodes. Applicants' invention appears to involve left and right arrows and a display area. Explanation is requested for these additional illuminated areas.

Also in claim 32, the display is described as having a groove on the mounting means and the mounting means including a height control mechanism. These elements are not shown or described in a single embodiment. It is not clear which invention Applicant is claiming.

Finally, in claim 32, use of the word "conventional" is indefinite. Such a term may change the meaning of a claim as an element considered to be "conventional" may change over time.

Claims 33-35 and 37 are rejected as depending from a rejected base claim.

***Claim Rejections - 35 USC § 103***

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 32-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gintoft, US #3,254,434 in view of Anders, US #4,633,215 and Rhee, US Patent Publication 2005/0028414 A1.

6. Gintoft teaches a folded, flexible sign configured to expand horizontally (Figure 2) and which has a greater width than height (Figure 1), for placing on a vehicle roof (column 1 lines 51-52). The sign is comprised of at least three joined sections that fold upon one another and is lightweight. Gintoft does not specifically teach storing the sign in a glove compartment however this is well known in the art as shown by Anders. Anders teaches an extendable sign which is stored in a glove compartment (column 2 line 16). It would have been obvious to a person having ordinary skill in the art to store the sign of Gintoft in the glove compartment since Gintoft teaches a sign that may be folded compact for storage (column 1 lines 32-33) and a glove compartment is a convenient place for storing small articles, as shown by Anders.

7. Gintoft does not teach a magnet for mounting the sign to the roof or a groove for holding the sign on the mounting means, or a height control mechanism, however these are well known in the art as shown by Anders. Anders teaches magnet 146 (column 4 line 68) for attaching the sign to a vehicle roof, groove 118 on the mounting means and telescoping mast 108 (column 3 line 43). It would have been obvious to one of ordinary

skill to utilize a magnet for attaching the sign to the roof so that a secure, removable mounting means may be provided that will not harm the automobile's roof. It would have been obvious to utilize the groove and telescoping mast with the sign of Gintoft so that the sign may be mounted higher up so that it may be more easily seen.

8. Gintoft does not teach a control unit connected to the electrical system of the vehicle, however this is well known in the art as shown by Rhee. Rhee teaches a sign mounted to a body of a vehicle and including an illuminated display are (Figure 1) having controller/powering means 40 for supplying power from the automobile to the display and for controlling the information displayed (which may include left and right arrows). It would have been obvious to one of ordinary skill to utilize such a power source and controller on the sign of Gintoft (as modified) so that the information on the sign may be altered as desired by the driver, as taught by Rhee. Gintoft, Anders and Rhee do not specifically teach the use of LEDs or neon as light sources, however LEDs and neon are old and well known in the art of illuminated signs and, as best as the instant claims can be understood, it would have been obvious to one of ordinary skill to utilize LEDs or neon as the small light sources of Rhee.

9. As best as the instant claims can be understood, it would have been obvious to one of ordinary skill in the art to illuminate the sign with the hazard lights of a vehicle since hazard lights are commonly used in times of emergency, which is when such a sign may be utilized.

***Response to Arguments***

10. Applicant's arguments filed November 29, 2007 have been fully considered but they are not persuasive. Applicant argues that the references do not show all of the elements in the amended claim, however a new rejection as been made in response to these amendments.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US patents 4868542 and 5905434 are cited as of interest.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joanne Silbermann whose telephone number is 571-272-6653. The examiner can normally be reached on M-F 5:30 - 2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Joanne Silberman  
Primary Examiner  
Art Unit 3611

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